

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ROBERT DEAN BLAUROCK,

Petitioner,

v.

CASE NO. 21-3231-SAC

STATE OF KANSAS, et al.,

Respondents.

MEMORANDUM AND ORDER

On September 24, 2021, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1.) On September 28, 2021, the Court dismissed the petition as an unauthorized second or successive petition, over which it lacked jurisdiction. (Doc. 3.) On October 15, 2021, Petitioner filed a motion for certificate of appealability (Doc. 5), a motion and application for an authorization order (Doc. 6), and a notice of appeal from the judgment (Doc. 7), after which the appeal was docketed in the United States Court of Appeals for the Tenth Circuit (Doc. 9).

Petitioner's motion for certificate of appealability (Doc. 5) and motion and application for an authorization order (Doc. 6) are denied. First, Petitioner asks the Court for a certificate of appealability (COA) so that he may seek relief in the Tenth Circuit. (Doc. 5.) The Court dismissed this matter for lack of jurisdiction and it declined to issue a COA with its dismissal, "concluding that its ruling in this matter is not subject to debate among jurists of reason." (Doc. 3, p. 3-4.) Petitioner's motion for certificate of appealability acknowledges that he filed a successive petition

without first obtaining the required authorization, but appears to contend that because the petition alleges meritorious claims, the Court should issue a COA. (Doc. 5.) Regardless of whether the claims have merit, however, this Court lacks jurisdiction to consider an unauthorized successive habeas petition and Petitioner has not shown that this conclusion is subject to debate among jurists of reason. Accordingly, the motion is denied.

In his remaining motion, Petitioner asks the Court to grant his application for an order authorizing him to file a second or successive petition. (Doc. 6.) As noted in the order of dismissal, the decision whether to authorize a successive § 2254 petition belongs to the Tenth Circuit, not this Court. (Doc. 3, p. 3.) Any application for authorization of a second or successive § 2254 petition must be filed in the Tenth Circuit.¹

IT IS THEREFORE ORDERED that Petitioner's motion for certificate of appealability (Doc. 5) and motion and application for an authorization order (Doc. 6) are **denied**.

IT IS SO ORDERED.

DATED: This 18th day of October, 2021, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW
U.S. Senior District Judge

¹ The mailing address for the Tenth Circuit is The Byron White U.S. Courthouse, 1823 Stout Street, Denver, CO 80257.